



# TOWN OF TYNGSBOROUGH

Office of the Selectmen

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## Selectmen's Meeting Minutes

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Monday October 2, 2006

6:00 P.M.

Town Offices

Selectmen present: Selectman Kevin O'Connor, Selectwoman Jacqueline Schnackertz, Selectman Rich Lemoine and Selectwoman Karyn Puleo. Also present: Town Administrator Rosemary Cashman and Admin Assistant Therese Gay. Selectman Jay Booth was absent due to a scheduling conflict.

Finance Committee Members present: John Griffin, Chair, Al Plante, Colleen Gabriel, and Kenneth Times III. Member Jerome Goldhammer was absent due to illness.

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The Chair opened the meeting, the Board was introduced and the Agenda was read. The Board of Selectmen and the Finance Committee are meeting this evening with the Dept Mgrs. to review the articles that were submitted. The Selectmen and Finance Committee will then make their recommendations.

### 1. Review Special Town Meeting Warrant – Finance Committee

#### A. 6:00 P.M. Article 21 – Div. of Fisheries – Land Purchase

The Board and Committee heard the presentation given by Dennis McNamara, Molly Sciolo and Dale Young, representatives from the Dept. of Fisheries and Wildlife. The Department is looking to purchase 75.9 acres of Tyngsborough land located on Scribner Hill. These parcels abut land that the Department already owns in the Town of Dunstable. The Department has not less than \$625,000 to pay for the parcels. After discussions the Board of Selectmen and the Finance Committee voted to recommend the sale.

A motion made by Selectman O'Connor to recommend approval, and that the Town vote to authorize the Board of Selectmen to sell the three parcels of Town land for not less than \$625,000.00, second by Selectwoman Schnackertz. The Board voted unanimously to recommend this article at town meeting.

A motion made by Finance Committee Member Ken Times to recommend approval, and that the Town vote to authorize the Board of Selectmen to sell the three parcels of Town land for not less than \$625,000.00, second by Committee Member Colleen Gabriel. The Committee voted unanimously to recommend this article at town meeting.

#### B. 6:30 P.M. Article 5 – Police Dept. – Roof Replacement

Deputy Police Chief Rich Burrows presented the Police Dept.'s article to replace the leaking roof at the Police Station. The several years of patching is not working anymore. It is time to replace the roof. The cost estimate of \$25,000 does include any wood damage that is found. This article was withdrawn at the Spring town meeting

for lack of funds. The Board of Selectmen and the Finance Committee voted to recommend the replacement.

A motion made by Selectman Lemoine to recommend approval, and that \$25,000.00 be raised and appropriated, second by Selectwoman Schnackertz. The Board of Selectmen voted unanimously to recommend the article.

A motion made by Finance Committee Member Ken Times to recommend approval, and that \$25,000.00 be raised and appropriated, second by Committee Member Colleen Gabriel. The Finance Committee voted unanimously to recommend the article.

C. 6:35 P.M. Article 9 – Board of Health – Transfer Funds

Members from the Board of Health could not attend this evening due to prior commitments. The Board submitted a letter stating that they would forego the health fair and use the money for the Dental program the Board offers to the school children.

A motion made by Selectman Lemoine to not recommend approval of this article as written, second by Selectwoman Schnackertz. The Board voted unanimously not to recommend this article as written. The explanation for this is that the Nursing and Health Fair budget of \$2,000 should remain intact, and that another funding source be used to pay for the Dental Program,

A motion made by Finance Committee Member Ken Times to make the recommendation on town meeting floor, second by Member Colleen Gabriel. The Finance Committee voted unanimously to recommend on town meeting floor.

D. 6:40 P.M. Article 6 – Stormwater Management

The Town is in the process of completing Phase II Storm Water Management Plan and will need assistance from the Northern Middlesex Council Of Government of which we are a participating member to help map out catch basins, draft the plan conduct the necessary hearing, and revise bylaws and regulations. The estimate came in at \$91,000.00 and can be done in one year. The plan is mandated by the Federal Government and must be completed. The Conservation Director did much of the preliminary work but the town is not equipped to do the mapping and needs assistance to complete the remaining items.

A motion made by Selectman Lemoine to recommend approval and that \$91,000.00 be raised and appropriated, second by Selectwoman Schnackertz. The Board voted unanimously to recommend this article.

A motion made by Finance Committee Member Ken Times to recommend approval and that \$91,000.00 be raised and appropriated, second by Member Colleen Gabriel. The Committee voted unanimously to recommend the article.

E. 6:50 P.M. Article 20 – Recreation Fields Fund

The Board of Selectmen and the School Committee have approved the new agreement to oversee the Recreation Fields at the Elementary School and at the High School. This article is to set up the account for funds for the non-routine maintenance of the fields. The Finance Committee and the Board of Selectmen will make their recommendations on this article at Town Meeting. More information is needed and town counsel is working on the wording.

F. 7:15 P.M. Article 22 – Citizen’s Petition – Land Purchase

Mr. Faras Khan presented his petition to purchase town owned land. He wishes to build a house. The Selectmen spoke to their not recommending the sale of the land. They wish to keep it open space. Mr. Khan also spoke to the condition of the road it has been in disrepair for some time. The Town Administrator will contact the Highway Administrator to review the situation.

A motion made by Selectman Lemoine to not recommend the sale of the two parcels but to keep the parcels as open space, second by Selectman O’Connor. The Board voted unanimously to not recommend the sale of the parcels.

A motion made by Finance Committee Member Ken Times to not recommend the sale of the two parcels and to keep the parcels as open space, second by Member Colleen Gabriel. The Committee voted unanimously to not recommend the sale.

G. 7:25 P.M. Article 28 & 29 – Planning Board – Zoning Changes

The Planning Board Vice-Chair, Darryl Wickens presented the two zoning amendment articles. Article 28 deletes a paragraph and replaces it to change a use to read a Major Business Complex. And Article 29 deals with removing the I2 zone and placing the uses in I1. After discussions the Planning Board will amend the article on town meeting floor to read amend Section 2.11.30 by adding after “Education” the number “10” for footnote and after notes to Section 2.11.30, add “Footnotes #10, See Section 2.11.43, Education.”

A motion by Selectwoman Schnackertz to recommend the article 28 with the following amendment on town meeting floor, “Delete the first paragraph of Section 4.10.10”, second by Selectman O’Connor. The Board voted unanimously to recommend the article with the Planning Board’s amendment on town meeting floor, second by Selectman O’Connor. The Board voted unanimously to recommend article 28 with the amendment.

The Finance Committee takes no action on this article.

A motion by Selectwoman Schnackertz to recommend the article 29 with the following amendment on town meeting floor, amend Section 2.11.30 by adding after “Education” the number “10” for footnote and after notes to Section 2.11.30, add “Footnotes #10, See Section 2.11.43, Education.”, second by Selectman O’Connor. The Board voted unanimously to recommend article 29 with the amendment.

The Finance Committee takes no action on this article.

H. 7:40 P.M. Articles 23 to 27 – Community Preservation Committee

The Community Preservation Committee Chair, Linda Geyer presented the articles submitted by the Committee. They are as follows.

Article 23 transfers funds from the existing Community Preservation Fund Historic Reserve Account to repair and/or replace the windows at the Sherburne House the estimate quote is \$16,500.

A motion made by Selectwoman Schnackertz to recommend article 23, second by Selectman Lemoine. The Board voted unanimously to recommend the transfer.

A motion made by Finance Committee Member Ken Times to recommend article 23, second by Member Colleen Gabriel. The Committee voted unanimously to recommend the transfer.

Article 24 transfers funds from the existing Community Preservation Fund Community Housing Reserve Account for \$8,500 for the purpose of obtaining a housing study. The last study was done some time ago.

A motion made by Selectwoman Schnackertz to recommend article 24, second by Selectman Lemoine. The Board voted unanimously to recommend the transfer.

A motion made by Finance Committee Member Ken Times to recommend article 24, second by Member Colleen Gabriel. The Committee voted unanimously to recommend the transfer.

Article 25 transfers funds or \$10,000 from the existing Community Preservation Fund Open Space Reserve Account for the purpose of eradication non-native weeds in Lake Mascuppic.

A motion made by Selectwoman Schnackertz to recommend article 25, second by Selectman Lemoine. The Board voted unanimously to recommend article 25.

A motion made by Finance Committee Member Ken Times to recommend article 25, second by Member Colleen Gabriel. The Committee voted unanimously to recommend article 25.

Article 26 transfers funds from the existing Community Preservation Fund Unreserved Account a sum of \$515,000.00 to purchase 6.7 acres at 76 Frost Road.

A motion made by Selectwoman Schnackertz to recommend article 26, second by Selectman Lemoine. The Board voted unanimously to recommend article 26.

A motion made by Finance Committee Member Al Plante to recommend article 26, second by Member Colleen Gabriel. The Committee voted 2 for and 2 against with a member absent. The motion fails.

Article 27 transfers funds from existing Community Preservation Fund Open Space Reserve Account the sum of \$85,000.00 for the purpose of cleaning up a parcel at 76 Frost Road.

A motion made by Selectwoman Schnackertz to recommend article 27, second by Selectman Lemoine. The Board voted unanimously to recommend article 27.

A motion made by Finance Committee Member Al Plante to recommend article 27, second by Member Colleen Gabriel. The Committee voted 2 for and 2 against with a member absent. The motion fails.

#### I. 8:10 P.M. Articles 10 to 16 – School Committee

The School Committee Members were in attendance as was the Superintendent of Schools Dave Hawkins. The Committee is meeting with the Selectmen and Finance to review the articles they have placed on the Special Town Meeting Warrant. Article 10 requests funds to pay for the design costs or associated costs with the Phase II of repairing/replacing the roof at the Early Childhood Center.

The project has been included in the Capital Asset Plan, the Selectmen. Finance Committee Members agree to recommend this project.

A motion made by Selectwoman Schnackertz to recommend article 10 to raise and appropriate the sum of \$13,385, second by Selectman Lemoine. The Board voted unanimously to recommend article 10.

A motion made by Finance Committee Member Ken Times to recommend article 10 to raise and appropriate the sum of \$13,385, second by Member Colleen Gabriel. The Committee voted unanimously to recommend article 10.

Article 11 requests funds to pay for a system wide, web-based computer software for student information. The School department has to comply with the requirements of the Mass Dept. of Education for reporting and information access. The Committee has to supply more reports on teachers and students.

A motion made by Selectman Lemoine to recommend article 11 to raise and appropriate \$62,800, second Selectwoman Schnackertz. The Board voted unanimously to recommend article 11.

A motion made by Finance Committee Member Ken Times to recommend article 11 to raise and appropriate \$62,800, second by Member Colleen Gabriel. The Committee voted unanimously to recommend article 11.

Article 12 requests funds to retrofit underused space at the High School into a Science Lab in order to meet the 2010 MCAS Science requirement.

A motion made by Selectman Lemoine to recommend article 12 to raise and appropriate \$11,585 and transfer \$10,415 from Greater Lowell Technical High School, second by Selectwoman Schnackertz. The Board voted unanimously to recommend article 12.

A motion made by Finance Committee Member Ken Times to recommend article 12 to raise and appropriate \$11,585 and transfer \$10,415 from Greater Lowell Technical High School, second by Member Colleen Gabriel. The Committee voted unanimously to recommend article 12.

Article 13 requests that the Town vote to accept Mass Gen Law Chapter 60, Section 3C, which establishes a town educational fund through a voluntary check off, with a donation of not less than \$1.00 on local tax bills for the purpose of providing supplemental educational funding for local education needs.

A motion made by Selectwoman Schnackertz to recommend article 13, second by Selectman Lemoine. The Board voted unanimously to recommend article 13.

A motion made by Finance Committee Member Ken Times to recommend article 13, second by Member Colleen Gabriel. The Committee voted unanimously to recommend article 13.

Article 14 requests that the sum of \$365,000 be transferred from free cash to supplement the School Dept. budget for FY 07 for staffing, instructional materials and services.

A motion made by Selectman O'Connor to not recommend article 14 as printed, second by Selectwoman Schnackertz. The Board voted unanimously to not recommend article 14.

A motion made by Finance Committee Member Ken Times to not recommend article 14, second by Member Colleen Gabriel. The Finance Committee voted 3 -1-1 to not recommend article 14.

## 2. Citizen's Time

No one came forward this evening.

## 3. Other Business (If Necessary)

### A. Naming of the Recreation Center

Selectman O'Connor gave a brief history on the beginnings of the VFW building that is now the Recreation Building. The building was founded and built by the Bartlett family and friends. Selectman O'Connor had discussions with the family and with the Recreation Committee on the naming of the building honoring Arthur F. Bartlett. On Saturday, November 11, 2006 the Veterans' Day services will be conducted at the Recreation Building and at that time the Recreation Building will be dedicated and named in honor of Arthur F. Bartlett. The AMVETS will have a flag retirement ceremony at that time.

A motion made by Selectman O'Connor to name the Recreation Building the Arthur F. Bartlett Recreation Building, second by Selectwoman Schnackertz. The Board voted unanimously to name the recreation building.

The Board received correspondence from Barbara Reynolds, Director of the Council on Aging, on her recommendation of hiring Ronald Lee as the custodian at the Center.

A motion made by Selectman O'Connor to hire Ronald Lee as the new custodian at the Council on Aging center for ten hours a week, second by Selectwoman Schnackertz. The Board voted unanimously to hire Ronald Lee as the custodian.

## 4. Correspondence

A motion made by Selectwoman Schnackertz to approve the correspondence as submitted, second by Selectman Lemoine. The Board voted unanimously to approve the correspondence.

## 5. Selectmen's Notes

Selectwoman Schnackertz announced the Flu Clinic scheduled for Monday October 30. Selectman Lemoine thanked everyone who made the Pig and Apple Festival a success. Selectman O'Connor announced the upcoming Veterans breakfast and Selectman Lemoine announced that the Pierce Field will be ready for Friday's

homecoming events. Selectwoman Puleo urged everyone to attend the special town meeting there are many decisions to be made.

6. Town Administrator's Notes

The Town Administrator had no additional notes for this evening. Mr. Jeff Kablik attended the Selectmen's meeting to address concerns on the Conservation Commission. The Director has resigned followed by two of the members. As it stands now the Conservation Commission will have no quorum for there next meeting. The Board will place an ad on Channel 8 to recruit new members. The day-to-day operation will be handled by the Clerks in the Inspectional Dept. The current Director will set up some guidelines to help with the day-to-day operation. The Board will work with the commission on filling the vacancies.

7. Executive Session (If Necessary)

A motion made by Selectwoman Schnackertz to enter into Executive Session to discuss litigation relating to the Elementary School Project and to exit into a work session and to adjourn the meeting, second by Selectman O'Connor.

Roll Call Vote: Selectman Kevin O'Connor, yes; Selectwoman Jacqueline Schnackertz, yes; Selectman Rich Lemoine, yes; and Selectwoman Karyn Puleo, yes.

The Board reviewed information regarding the cost of future litigation.

A motion made by Selectwoman Schnackertz to exit Executive Session to enter into a work session, second by Selectman Lemoine.

Roll Call Vote: Selectman Kevin O'Connor, yes; Selectwoman Jacqueline Schnackertz, yes; Selectman Rich Lemoine, yes; and Selectwoman Karyn Puleo, yes.

8. Work Session (If Necessary)

The Board entered into the Work Session there was no business.

9. Adjournment

A motion was made by Selectwoman Schnackertz to adjourn the meeting, second by Selectman Lemoine. The Board voted unanimously to adjourn.

The meeting was adjourned at 9:45 P.M.

Respectfully submitted

Therese Gay  
Admin Assistant